

Public Disclosure at the Redmond Police Department
(by Heidi Collins, Police Support Services Specialist)

In 1972 Initiative 276 was passed, requiring most documents maintained by state, county, and city government agencies in Washington State to be made available to the public. From that time, a section of RCW 42.17 has been referred to as the Public Disclosure Act. This is often confused with the Federal Freedom of Information Act, which applies to federal agencies and their records only, although state courts will occasionally refer to FOIA when interpreting our state's laws. **As of July 1, 2006, those statutes have been recodified as RCW 42.56, and will be known as the Public Records Act (PRA).**

We use the Public Records Act, along with other sections of the Revised Code of Washington, city and county code, and case law to determine what information can be released when we receive a public records request. For a record to be considered public, it must meet three criteria. First, it must be a writing, which is broadly defined and includes print, audio, and video records. Second, it must relate to the conduct of government. Third, the writing must be prepared, owned, used, or retained by the agency. Per the state Attorney General's Office, a record which is purely personal and has no relation to the conduct of government is not a public record.

If a record meets these three criteria, it is subject to public disclosure unless there's a statute that specifically exempts it from disclosure. There are many. RCW 42.56 alone lists over 40 categories of records that are exempt. Exemptions are scattered throughout our state laws, and court rulings may also dictate what we release.

Many exemptions are designed to protect your right to privacy; some are designed to protect the investigative functions of law enforcement. A requestor may not like that records have been denied or redacted until they're asked, "what if this was your child, or your personal information?" Similarly, when a case is under active investigation and the report is not complete, we will likely elect not to release the case simply so that an impartial and accurate investigation can be completed.

State law requires that a records request must be for an identifiable record. This means that your request needs to be as specific as possible. If you do not know a case number for the record you are seeking, telling us the date, time, and location of the incident will usually enable us to locate it. We are not required to do research and we are not required to create a record when one doesn't already exist.

Sometimes people aren't sure which agency to request records from. The same rule applies as when you're reporting something to the police: go to the jurisdiction that the incident occurred in. The Redmond Police Department serves

the City of Redmond, but we are contacted daily by people who live in unincorporated King County and the City of Sammamish (they are served by the King County Sheriff). If you want a copy of your driving record, contact the State Department of Licensing; if you want a federal records check, call the FBI.

Once your records request is received here in our Records division, we have 5 business days to respond (Records is not open on weekends). The response may be: 1) Here's the record; 2) Your request was denied and here's why; 3) We need more time to process your request; or 4) We need clarification. If your request is denied or information has been removed from your copy, we have to cite a reason for that. Our agency frequently uses a form letter for citing the applicable statute(s) due to the volume of requests that we receive.

It is not uncommon for people to ask that a record be released immediately, such as the day of their court date. Here's where we run into the "disclosure McDonald's" problem, where we love to see you smile, but can't usually get you what you want in less than 5 minutes. Requesting a record is a "please take a number and get in line" process. Last year alone we completed an estimated 7000 records requests, and in the interest of fairness, we process the requests in the order received.

Sometimes it can take days or even weeks to research the legality of releasing a record. It can take days to months to complete an investigation. If the requested report is complete and no redactions need to be made, we will try our best to process the request as soon as possible. But we do have 5 days to respond to every request and usually need it. People can perceive having to wait for a record as government inefficiency, when our response time is driven mostly by public demand. It's not as simple as just photocopying a record and handing it over. Every record must be reviewed, and all associated actions recorded.

We ask that your request for records be made in writing. We are very limited as to what information we can give out over the phone, because we are unable to verify the caller's identity. You can mail your request or drop it off during business hours. An optional request form is available on our website at <http://www.redmond.gov/insidecityhall/pdfs/forms/PoliceDisclosureForm.pdf>.

You may be required to pick your request up in person and present valid ID. The state allows us to charge a reasonable fee for some copies. You don't have to give a reason as to why you want a copy of a record, but you may be asked for ID to determine your relationship to the case. If you don't want to provide ID, then your request will be treated as if you are an uninvolved party.

Here are some examples of information that cannot be released to the public: medical records; records of mental illness and treatment; non-conviction arrest information; concealed pistol licenses; information regarding organized crime; the addresses of victims of domestic violence; addresses, phone numbers, job

applications, tax records, and medical records of public employees and volunteers; the identities of child victims of sex crimes; DUI blood and breath tests; autopsy or post-mortem reports; jail mug shots; the identities of victims, complainants, or witnesses who have requested nondisclosure or whose physical safety or property might be compromised; and reports involving juveniles, whether they are suspects, victims, witnesses, complainants, or offenders. Landlords do not have unlimited access to records involving their property, but we are required to notify them when drug seizures or assaults that involve a tenant occur on their property. Sometimes investigative records and/or records deemed vital to government interest are exempted.

So, the next time you request a record from the Redmond Police Department, you'll have a better understanding of what happens to your request and the criteria by which it's evaluated. Remember that public disclosure law exists both for your right to know and your right to privacy. Initiative 276 said it best: "It is hereby declared by the sovereign people to be the public policy of the state of Washington... that, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society."